

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA**

IN THE MATTER OF:	)	No. B-08-80969 C-13D
Willie M. Horne	)	
	)	
	)	
Debtor(s)	)	

**ORDER GRANTING MODIFICATION OF PLAN AND  
LIFTING OF THE AUTOMATIC STAY**

On March 17, 2011, a hearing was held on the Motion by the Debtor to modify her Chapter 13 plan, pursuant to 11 U.S.C. §1329, to release a 2006 Chevrolet ("the automobile") to the lienholder, Drive Time ("Drive"). At the hearing, Koury L. Hicks, Esq. appeared on behalf of the Debtor, and Richard M. Hutson II, Standing Trustee appeared. No other party appeared or objected to the Motion. The Court, after considering the Motion and having heard and considered the statements of counsel and the Trustee, finds that there is sufficient evidence of a substantial change in the Debtor's circumstances and that the modification complies with the provisions of 11 U.S.C. §1325; therefore, it is ORDERED:

1. The Motion, as amended in open Court, by the Debtor pursuant to 11 U.S.C. §1329 is granted.
2. The automatic stay is modified to permit Drive to repossess and liquidate the automobile.
3. In the event of a deficiency, Drive shall have 120 days from the entry date of this Order within which to file a documented deficiency claim for any deficiency realized from the sale of the automobile, and failure to file a documented deficiency claim within such time will result in the release of the automobile being in full satisfaction of the indebtedness due Drive and the Debtor's liability.
4. The Debtors' plan payments are scheduled at \$1,193.00 per month effective March, 2011, and shall continue until all secured and priority claims are paid in full and the applicable commitment period is satisfied.
5. Any default in payments prior to March, 2011, under the plan is waived and the plan shall be extended to the term necessary to pay the delinquent amount.
6. John T. Orcutt, Esq. is allowed the presumptive fee of \$250.00 for services rendered in the filing of this Motion which shall be paid through the Debtors' plan.

**PARTIES IN INTEREST**

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**ALL PARTIES OF RECORD AS OF THE DATE OF THE ORDER SHALL BE  
SERVED BY THE BANKRUPTCY NOTICING CENTER**